

Brighthams Farm,
Bines Road,
Partridge Green,
West Sussex
RH13 8EQ

*Existing Lawful Development Certificate for the Change of use of land to residential for
stationing of caravan*

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Site Description

The application site comprises part of Brighthams Farm. The site lies within open countryside to the south of Partridge Green, within the administrative area of Horsham District Council. Access to the farm is taken from Bines Road (B2135) via an existing private farm access serving the wider agricultural holding.

Brighthams Farm is an established agricultural holding containing a range of traditional and modern farm buildings associated with livestock farming and agricultural storage. The application site forms part of the existing farmstead and is surrounded by agricultural land in active use. Existing farm buildings, hardstanding and agricultural infrastructure are located in close proximity to the site. Previous planning permissions have supported the continued agricultural use of the holding, including the construction of agricultural buildings for livestock housing and storage.

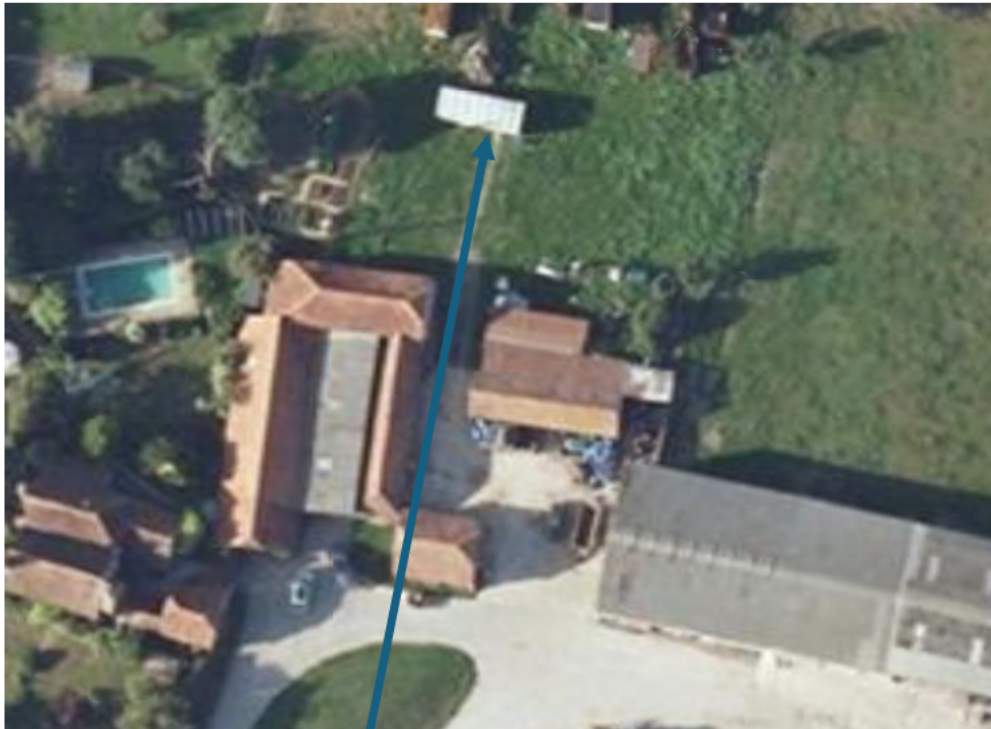
The wider landscape is characterised by gently undulating farmland divided by mature hedgerows, trees and scattered woodland, with isolated farmsteads and rural dwellings. Development in the surrounding area is limited and predominantly agricultural or residential in association with existing farmsteads.

Proposal

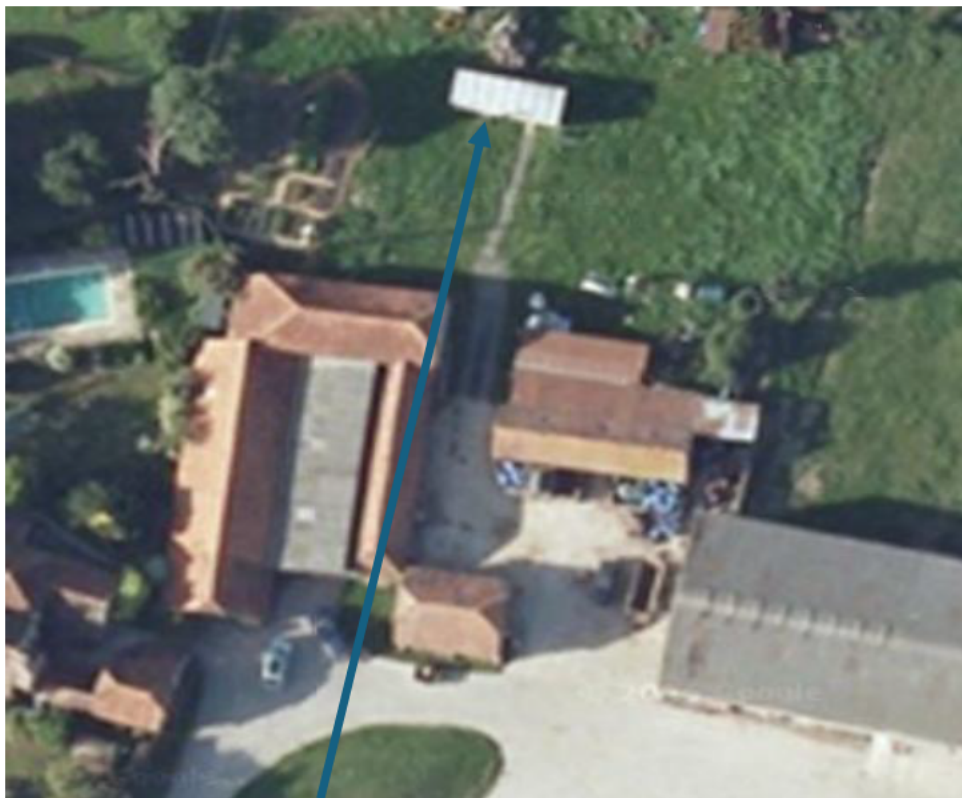
This statement is submitted in support of an application for an Existing Lawful Development Certificate under Section 191 of the Town and Country Planning Act 1990 in respect of the continued use of a caravan for residential occupation at Brighthams Farm, Bines Road, Partridge Green, West Sussex, RH13 8EQ.

The application seeks confirmation that the residential use of the caravan has become lawful through the passage of time, having existed continuously for a period exceeding ten years without enforcement action.

Aerial photographs



Aerial photo from 2009 showing the caravan in situ



Aerial photo from 2011 showing the caravan in situ



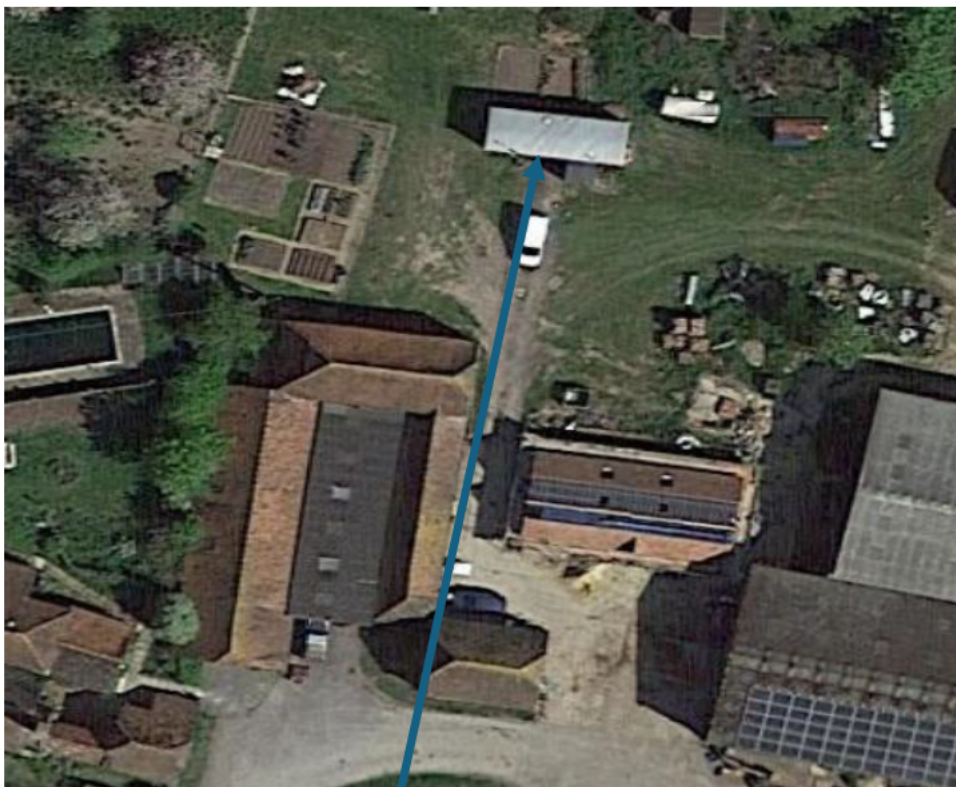
Aerial photo from 2012 showing the caravan in situ



Aerial photo from 2015 showing the caravan in situ although the image is blurry the caravan is still evidenced.



Aerial photo from 2018 showing the caravan in situ



Aerial photo from 2020 showing the caravan in situ



Aerial photo from 2022 showing the caravan in situ



Aerial photo from 2024 showing the caravan in situ

Residential Occupation

Throughout its presence on the site, the caravan has been occupied as a person's sole or primary residence.

Evidence of occupation includes sworn statutory declarations from former and current occupants.

██████████

██████████ has provided a sworn statutory declaration confirming that he resided continuously in the caravan between November 2016 and June 2019.

His declaration confirms that during this period the caravan was occupied as a permanent residential dwelling.

██████████

██████████ has provided a sworn statutory declaration confirming that she has occupied the caravan as her residence from October 2024 to the present day.

Her declaration confirms the continuation of the residential use.

Occupation Between June 2019 and October 2024

The caravan remained occupied during the period between June 2019 and October 2024.

Unfortunately, the occupants who resided in the caravan during this period have since relocated permanently to Thailand, and despite reasonable efforts it has not been possible to obtain a statutory declaration from them.

However, the inability to obtain a declaration from these former occupants should not be interpreted as evidence that the residential use ceased. The evidence before the Local Planning Authority must be considered in its entirety. The caravan remained on the site throughout this period, as confirmed by the historic aerial photographs, and there is no evidence whatsoever that the residential use was abandoned, discontinued or interrupted. The sworn declarations immediately before and immediately after this period, together with the uninterrupted physical presence of the caravan, provide a logical and compelling chain of evidence demonstrating that the residential use continued throughout.

Overview

The evidence submitted with this application is both credible and consistent. The aerial photography provides independent documentary evidence confirming the caravan's long-standing presence, while the statutory declarations provide first-hand evidence of residential occupation. Taken together, these documents establish a continuous pattern of use extending well beyond the ten-year period required under Section 191 of the Town and Country Planning Act 1990.

It is also relevant that no planning enforcement action has been taken by Horsham District Council in relation to the residential occupation of the caravan during the relevant immunity period. There is no record of any enforcement notice or legal proceedings requiring the cessation of the residential use. Consequently, the use has continued openly and without interruption throughout the relevant period.

Government guidance makes clear that applications for Existing Lawful Development Certificates are matters of fact and evidence rather than planning judgement. The Local Planning Authority must determine whether, on the balance of probabilities, the evidence demonstrates that the use has become lawful. It is not necessary for every day of occupation to be evidenced individually. Rather, the Authority should consider whether the totality of the evidence establishes a continuous use. In this case, the combination of historic aerial imagery spanning more than fifteen years, statutory declarations confirming residential occupation, and the absence of any evidence of interruption or enforcement action provides a clear and persuasive body of evidence.

On the balance of probabilities, the evidence demonstrates that the caravan has remained in the same location and has been occupied continuously for residential purposes for a period significantly exceeding ten years. The statutory immunity period has therefore been satisfied, and the use has become lawful through the passage of time.

The evidence accompanying this application is sufficient to establish the lawful continued residential use of the caravan, and the applicant therefore respectfully requests that Horsham District Council grants an Existing Lawful Development Certificate confirming the lawful use of the caravan for residential purposes at Brighthams Farm.

Conclusion

This application is supported by a robust and consistent body of evidence demonstrating that the caravan at Brighthams Farm has remained in the same location and has been used continuously for residential purposes for a period significantly exceeding the statutory ten-year immunity period. Historic aerial photographs from 2009, 2011, 2012, 2015, 2018, 2020, 2022 and 2024 provide independent evidence of the caravan's long-standing presence on the site, while sworn statutory declarations [REDACTED] confirm residential occupation before and after the intervening period. Although it has not been possible to obtain a statutory declaration from the occupiers between June 2019 and October 2024 because they have relocated to Thailand, there is no evidence that the residential use ceased or was abandoned during that time. When considered as a whole, the evidence demonstrates a continuous pattern of residential occupation.

The legal test for an Existing Lawful Development Certificate is whether, on the balance of probabilities, the use has continued for the requisite period. The evidence submitted with this application satisfies that test. The uninterrupted presence of the caravan, corroborated by historic aerial imagery and sworn witness evidence, establishes that the residential use has continued openly and without material interruption for well in excess of ten years. Furthermore, no enforcement action has been taken by Horsham District Council during the relevant period.

It is therefore respectfully submitted that the continued residential use of the caravan has become lawful under Section 191 of the Town and Country Planning Act 1990 through the passage of time. The applicant accordingly requests that Horsham District Council issues an Existing Lawful Development Certificate confirming the lawful continued residential use of the caravan at Brighthams Farm.